

United States District Court
Eastern District of North Carolina
Western Division

5:16-CT-3209
Case No. _____

(To be filled out by Clerk's Office only)

FILED

AUG 22 2016

JULIE RICHARDS JOHNSTON, CLERK
US DISTRICT COURT, EDCN
BY _____ DEP CLK

Jeremy B Love, Jeremy B Love

(In the space above enter the full name(s) of the plaintiff(s).)

Inmate Number 1016630

-against-

COMPLAINT

(Pro Se Prisoner)

Jury Demand?

☒ Yes

☐ No

Correctional Officer Beasley

Correctional officer McCourt

Correctional Officer Comilloni

Sergeant Young (First Names Not Available)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

I. COMPLAINT

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)
- ☐ Action under Federal Tort Claims Act (federal defendants)

II. PLAINTIFF INFORMATION

Jeremy B Love, Jerimy B Love
Name

1016630
Prisoner ID #

Central Prison
Place of Detention

1300 Western Blvd.
Institutional Address

Raleigh
City

NC
State

27606
Zip Code

III. PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee ☐ State ☐ Federal
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

IV. DEFENDANT(S) INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1: Correctional Officer Beasley
Name
Correctional Officer
Current Job Title
Central Prison 1300 Western Blvd.
Current Work Address
Raleigh NC 27606
City State Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

Defendant 2: Correctional officer McLout
Name
Correctional officer
Current Job Title
Central Prison 1300 Western Blvd
Current Work Address
Raleigh NC 27606
City State Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

Defendant(s) Continued

Defendant 3: Correctional Officer Comilloni
Name
Correctional officer
Current Job Title
Central Prison 1300 Western Blvd
Current Work Address
Raleigh NC 27606
City State Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

Defendant 4: Sergeant Young
Name
Sergeant
Current Job Title
Central Prison 1300 Western Blvd
Current Work Address
Raleigh NC 27606
City State Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

V. STATEMENT OF CLAIM

Place(s) of occurrence: Hallway before you enter chao hall Unit 1 Sergeant's office

Date(s) of occurrence: 04/28/16

State which of your federal constitutional or federal statutory rights have been violated:

Eighth Amendment (excessive force) First Amendment
Fourteenth Amendment (due Process)

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

FACTS:

Who
did what to
you?

Thursday on 04/28/16 around 1:30 and 4:00 pm
officer Beasley was doing count with officer Long.
I was sleep, officer Long came by knocked on
my window I wiggle my feet to show movement
she proceeded to count. So officer Beasley came
upstairs to get his count of inmates on
top tier; came to my window and knocked I
wiggle my feet the same way I was cleared
by officer Long. Officer Beasley insisted to
knock, we exchanged words, he proceeded to
count, came back to my door poked EULOS
poked my door walked into my room and
threaten my person. I followed policy and
wrote a grievance. While walking to chao
with other inmates, officer Beasley approached
me using vulgar words cussing me talking about
"You wrote a grievance on me with your Bxxxh

What
happened
to you?

axs." We fought. I was apprehended, while being cuffed laying flat on the ground, officer Beasley punched me in my face twice. Then I was escorted to Unit One by officer McCourt and Comilloni to the Sergeants office. (Sergeant Young) the officers sat me down in a chair. Sergeant Young approached me saying "So you want to hit one of my officers," and elbowed me in my left side of my face, I was knocked to the floor and I was assaulted by officer McCourt, officer Comilloni and Sergeant Young in the office out of camera view. I was kicked

When did it
happen to
you?

and punched causing swelling to the left side of my face and the top part of my head over and over again, while I was cuffed. After the beating officer McCourt and officer Comilloni snatched me up off the floor and escorted my person to the nurse station (which was to the right of the Sergeants office.) While I was being videoed by Sergeant Young. The nurse asked me "What happened?" I informed her that I had got into a fight, I really called it a shin-did or a ska-diddle scared to say that I just been beaten by the cops cause they were still around. They escorted me to Central Prison ER then I was taken to Wake County Medical where I recieved catscan for my injuries and x-rays on my left wrist. They gave me painkillers

Where did it
happen to
you?

What was
your
injury?

and I was released. I was placed in Unit 1
cell A0116. They had rec Monday May, 2nd 2016
I was denied rec, Thursday May, 12th 2016
by sergeant Young shift. Different shift would
let me rec. I have been denied my Id
card since May 1 2016 until
I couldn't purchase any food or stamp or
hygiene items. The only way I could get
in touch with my family or to send legal
mail. I had to purchase certified Receipt
that was withdrawn from my account at
the amount of 3.77. I have sent mail
using regular stamps while I was in
Unit ~~one~~ that I had purchased in Unit
two when I had my Id card. The last
time I had my Id card was on the 04/28/
16 when I was on my way to the chao
hall.

VI. ADMINISTRATIVE PROCEDURES

WARNING: Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.

Have you filed a grievance concerning the facts relating to this complaint? ☒ Yes ☐ No

If no, explain why not:

Is the grievance process completed?

☐ Yes ☐ No

If no, explain why not:

VII. RELIEF

State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I want cameras placed in all offices to protect prisoners from being beating off camera.
I want compensatory damages 50,000 against each defendant and seek all recovery costs for this suit. I seek punitive damages in the amount of 200,000 only against defendant Sergeant Young.


IX. PLAINTIFF'S DECLARATION AND WARNING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint and provide prison identification number and prison address.

Dated



Plaintiff's Signature

Jeremy R. Love

Printed Name

1016630

Prison Identification #

Central Prison 1300 Western Blvd Raleigh NC 27606

Prison Address City State Zip Code